



WEB COPY



HCP.No.2426/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

HCP.No.2426/2023

R.Sridevi

... Petitioner

Vs.

- 1.The Superintendent of Police
Kanchipuram District, Kanchipuram.
- 2.The Deputy Superintendent of Police
Kanchipuram District, Kanchipuram.
- 3.The Inspector of Police
B2 Vishnukanchi Police Station
Kanchipuram District.

- 4.Ranjeet Singh
- 5.Renuga Devi

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India, seeking direction to the 3rd respondent to produce the petitioner female child namely S.Shruti Singh [aged above 9 years] was born on 28.04.2014 before this Court from the custody of the 4th and 5th respondents and hand over to the petitioner.



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For Petitioner : Mr.P.Rajadurai
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.Aravind.C

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)The petitioner, mother of the detenu, minor female child aged 9 years, has come forward with this petition seeking custody of her child who is said to be in the custody of the respondents 4 and 5 herein, who are grandparents of the minor child.
- (2)Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice on behalf of respondents 1 to 3.
- (3)The petitioner is the mother of the detenu minor child. It appears that the petitioner, due to matrimonial discard, is living separately from her husband and that the child was always with her husband. Though it is admitted by the petitioner that the child was with her husband, it is her case that her husband died and hence, the custody of the child should be given to her. The in-laws of the petitioner herein are arrayed as respondents 4 and 5 herein. Even according to the petitioner, initially, the child is under the lawful custody of her husband and thereafter with the



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respondents 4 and 5 who are grandparents of the child.

(4) It is in the said circumstances, this Court is unable to entertain this petition.

(5) Leaving it open to the petitioner to file appropriate petition before the Court concerned under the Guardians and Wards Act, for appropriate relief, this petition stands **dismissed**.

[S.S.S.R., J.] [S.M, J.]
14.12.2023

AP

Internet : Yes

To

1. The Superintendent of Police
Kanchipuram District, Kanchipuram.
2. The Deputy Superintendent of Police
Kanchipuram District, Kanchipuram.
3. The Inspector of Police
B2 Vishnukanchi Police Station
Kanchipuram District.
4. The Public Prosecutor,
High Court, Madras.

S.S. SUNDAR, J.,



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and
SUNDER MOHAN, J.,

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